



# MEMO ENDORSED

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April 4, 2006

**BY FAX**

The Honorable James C. Francis IV  
United States Magistrate Judge  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street - Room 1960  
New York, New York 10007-1312

USDC SDNY  
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Re: Remmes v. The City of New York, et al., USDC SDNY 05 CV 9940 (KMK)(JCF)  
Sutter v. The City of New York, et al., USDC SDNY 05 CV 9989 (KMK)(JCF)  
Fox v. The City of New York, et al., USDC SDNY 05 CV 9999 (KMK)(JCF)  
Wilcox v. The City of New York, et al., USDC SDNY 05 CV 9990 (KMK)(JCF)

DOCKET  
IN ALL  
CASES

Dear Judge Francis:

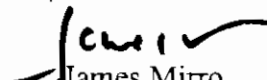
On February 9, 2006, you ordered all plaintiffs in the RNC cases "to provide to defendants properly executed [§ 160.50] releases within ten (10) days [or] be subject to the dismissal of their claims" (Exh. "A" hereto). We transmitted that order by email to all plaintiffs' counsel on the RNC Distribution List (including counsel in each of the above cases) on February 13, 2006 (Exh. "B" hereto). As of this writing, after nearly 60 days and despite repeated requests by this office, plaintiffs in the first three cases captioned above have not returned the releases to us.

In the Remmes case, we provided blank § 160.50 releases to plaintiff and requested that plaintiff execute them on December 19, 2005 and January 17, 2006; in the Sutter case, we provided blank releases to plaintiff on January 20, 2006 and March 17, 2006; in the Fox case, we provided blank releases on January 18, 2006, February 10, 2006 and March 17, 2006. Since then, we have reminded counsel in each of these cases (Jason Rozger and Paul O'Dwyer) to forward the releases to us. See, e.g., Exhs. "C" & "D" hereto.

Plaintiff in the fourth case, Adrienne Wilcox, has asserted claims arising from the same alleged wrongs in both the Wilcox case and the Adams case (05 CV 9484), which is also pending before Your Honor. Plaintiff is not permitted to maintain two actions for the same wrongs in this Court. Plaintiff's counsel, Paul O'Dwyer, has been made aware of the dual filing but has not dismissed this action.

For the foregoing reasons, Defendants respectfully request that the complaints of plaintiffs Chris Remmes (Remmes), Jack Sutter (Sutter), Louis Fox (Fox) and Adrienne Wilcox (Wilcox) be dismissed with prejudice. //

Very truly yours,

  
James Mirro

cc: Paul O'Dwyer, Esq.  
Jason Rozger, Esq.

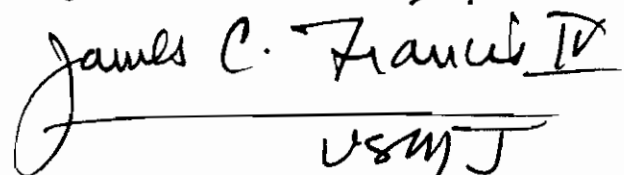
4/19/06

Defendants have withdrawn their application with respect to Sutter and Fox. (Letter of James Mirro dated April 5, 2006).

Defendants' application is granted as unopposed with respect to Wilcox, 05 Civ. 9990 (KMT).

Defendants' application is denied with respect to Remmes without prejudice to renewal if he fails to return the executed authorization by May 15, 2006.

SO ORDERED.

  
James C. Francis IV  
USMJ